

Remarks

Claims 1-11 and 13-24 are currently pending in the application.

Claims 1-5 10-11, and 13-24 stand either rejected under 35 U.S.C. 102(b) or objected to under 35 USC 112, second paragraph as dependent upon canceled or rejected claims.

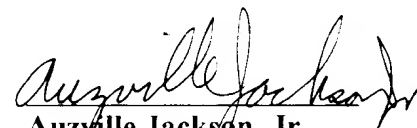
Claims 6-9 have been indicated as being allowable if amended to remedy their dependency upon rejected or objected to claims.

By the foregoing amendments, claim 1 has been canceled and replaced with new claim 25 that introduces the element that the oxygen spillover catalyst is a lanthanum series oxide as set forth in previously submitted claim 6-9. Additionally, new claim 25 is submitted as a conventional method claim rather than one that specifies the improvement being presented by the instant invention thereby overcoming the objection to this claim under 35 USC 112, second paragraph. Finally, claim 25 eliminates the use of the terminology "at the atomic level" since the oxygen spillover occurs "at the atomic level" but not the provision of the lanthanum series catalyst. Claims 2-4, upon which claims 6-9 depend, have been amended to introduce the elements of claims 6-9 thereinto. Thus, new claim 25 and amended claims 2-5 and 11 now incorporate the elements of originally filed claims 6-9 and should, in view of the Examiner's indication of allowability, be allowable.

All other rejected or objected to claims have been canceled thus obviating the need for any further comments herein thereon.

In view of the foregoing amendments to the claims and the remarks presented hereinabove, it is respectfully submitted that remaining claims 25 and 2-4 stand in condition for allowance and the same is most earnestly solicited at an early date.

Respectfully submitted,

 10/01/03
Auzyville Jackson, Jr.
Registration No. 17,306

8652 Rio Grande Road
Richmond, VA 23229
(804) 740-6828
Fax: (804) 740-1881

OCT 06 2003

TC 1700

In the United States Patent and Trademark Office

In re Application of: Seng Tan

Serial No.: 10/017,090

Group Art Unit: 1711

Filed: December 15, 2001

Examiner: Foelack, Morton

For: Supermicrocellular Polymer Foams and Method for Their
Manufacture

Certificate of Mailing

Date of Deposit: 10/01/03

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By

Auzville Jackson Jr.
Auzville Jackson, Jr.

Response

Hon. Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Official Action/Restriction Requirement mailed September 17, 2003, please consider the following remarks.

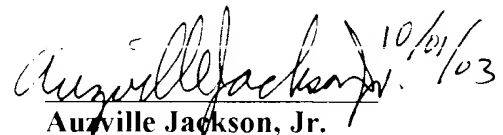
Remarks

Restriction has been required between the inventions of claims 1-6 drawn to a process of making a transparent thermoplastic foam and the invention of claims 7-18 drawn to a polymeric foam made by the process of claims 1-6.

Applicant hereby elects, with traverse, the invention of claims 7-18 drawn to a polymeric foam for further prosecution. Applicant's traverse of the restriction requirement is based upon the proposition that thorough and complete examination of the subject matter of claims 7-18 that are product-by-process claims necessarily requires a search of the prior art related to processes for making such materials, as claimed in claims 1-6. Applicant respectfully submits that the process of the instant invention cannot be used to make another and materially different product, nor can the products of the instant invention be made by another and materially different process, thereby negating the effect of the Examiner's application of MPEP section 806.05(f).

It is therefore respectfully submitted that all of the claims of the instant application should be examined together and withdrawal of the restriction requirement is most earnestly solicited.

Respectfully submitted,


Auzville Jackson, Jr.
Registration No. 17,306

8652 Rio Grande Road
Richmond, VA 23229
(804) 740-6828
Fax: (804) 740-1881

Docket 1563(Wright)

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OCT 06 2002

TC 1711

In the United States Patent and Trademark Office

In re Application of: Seng Tan

Serial No.: 10/075,528

Group Art Unit: 1711

Filed: February 13, 2002

Examiner: Foelack, Morton

For: Nanocomposite and Molecular-Composite Polymer Foam and Method

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Date of Deposit: 10/1/03

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By

Auzville Jackson, Jr.

Response

Hon. Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Official Action/Restriction Requirement mailed September 17, 2003, please consider the following remarks.

Remarks

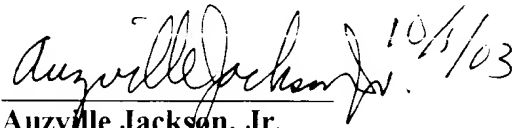
Election has been required between the inventions of claims 1-8 and 22-25 drawn to a method of making a microcellular foam and claims 9-21 drawn to a microcellular nanocomposite foam.

Docket 1563(Wright)

Applicant hereby elects, with traverse, the invention of claims 9-21 drawn to a microcellular nanocomposite foam for further prosecution. Applicant's traverse of the restriction requirement is based upon the proposition that thorough and complete examination of the subject matter of claims 9-21 that are product-by-process claims necessarily requires a search of the prior art related to processes for making such materials, claims 1-8 and 22-25. Applicant respectfully submits that the process of the instant invention cannot be used to make another and materially different product, nor can the products of the instant invention be made by another and materially different process, thereby negating the effect of the Examiner's application of MPEP section 806.05(f).

It is therefore respectfully submitted that all of the claims of the instant application should be examined together and withdrawal of the restriction requirement is most earnestly solicited.

Respectfully submitted,


Auzville Jackson, Jr.
Registration No. 17,306

**8652 Rio Grande Road
Richmond, VA 23229
(804) 740-6828
Fax: (804) 740-1881**